IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 21786 of 1994

Between:

1 Waheb Abdul S/o.Gudu Saheb
27-10-2,1st lane Kannavarithota
Guntur.
2 O.Dharma Teja S/o.O.Radhakrishna Murthy
5-61-7;2/18,Brodipet Guntur.
3 K.Kaspar Reddy S/o.Sowri Reddy
15/4,Arundalpet, Guntur.
4 T.Rajendra Prasad S/o.Bharathudu
R/o.Pandaripuram G.T.Road
Chilaluripeta Guntur Dist.
5 K.Hanumantha Rao S/o.Rama Murthy,
R/o.Addanki, Prakasam Dist.
6 V.Krishna Murthy S/o.V.Venkateswarlu,
R/o.Wahab Road Tenali
Guntur dist.
7 S.Rama Krishna S/o.S.S.Sastry
R/o.6-29-14,Opp:Water Tank, Koretepadu
Guntur.
8 S.Venkata Prasad Babu S/o.Samba Murthy
Katrenikona, E.G.Dist
9 S.Veeraiah S/o.Ramaswamy
R/o.Sonnavelli Post Uppalalgupatnam Mandal
E.G.Dist.

..... PETITIONERS

AND

1 The A.P Public Service Commission Rep. by its Secretary
Grihakalpa Buildings, Mukharam Jahi Road,
Hyderabad.
2 Government of A.P Rep.by its Secretary (Home Courts) Dept
Secretariat, Hyderabad.
3 High Court of A.P Rep.by its Registrar (Management)
High Court Buildings Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to fill up all the balance of the notified existing and anticipated vacancies from among the candidates included in the Merit List prepared by the 1st Respondent in pursuance of the Notification without resorting to fresh recruitment till the said merit list is exhausted.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.1 and 2: Govt. Pleader for Home

Counsel for the Respondent No.3: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition was filed on 16th October, 1994 seeking direction against the respondents to fill up all the balance of the notified existing and anticipated vacancies of District Munsifs including future vacancies from amongst the candidates included in the merit list prepared by the first respondent in pursuance of the notification dated 1st October, 1992 and to restrain the first respondent from issuing fresh recruitment notification till the merit list is exhausted.

As a matter of fact, on judicial side, such directions cannot be sought for, for issuing direction for filling up the vacancies till the merit list is exhausted. Mandatory directions cannot be sought for even for appointment of the petitioners even according to the merit list since it is within the sole discretion of the respondents to fill up or not to fill up any vacancies, whether future or anticipated. Moreover, as of today, no direction can be issued since with the passage of time, the petitioners have otherwise become over-aged. They could have participated in the selection process held subsequently or sought any other appropriate directions.

Petition dismissed.

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DEVINDER GUPTA, CJ

18-8-2004

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C.V.RAMULU, J

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To

1 The A.P Public Service Commission Rep. by its Secretary
Grihakalpa Buildings, Mukharam Jahi Road,
Hyderabad.
2 Government of A.P Rep.by its Secretary (Home Courts) Dept
Secretariat, Hyderabad.
3 High Court of A.P Rep.by its Registrar (Management)
High Court Buildings Hyderabad.

4. 2 CCs to the Govt. Pleader for Home, High Court Buildings,

Hyderabad (OUT).

5. 2 CCs to the Standing Counsel for High Court of A.P., High Court

Buildings, Hyderabad (OUT).

6. 2 CD copies.